

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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|--------------------------------------|---|--------------------|
| THE NEW YORK TIMES COMPANY, NICHOLAS | : | X                  |
| CONFESSORE, and GABRIEL DANCE,       | : |                    |
|                                      | : |                    |
| Plaintiffs,                          | : |                    |
|                                      | : | 18 Civ. 8607 (LGS) |
| - against -                          | : |                    |
|                                      | : |                    |
| FEDERAL COMMUNICATIONS COMMISSION,   | : |                    |
|                                      | : |                    |
| Defendant.                           | : |                    |
|                                      | X |                    |

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**PLAINTIFFS' NOTICE OF CROSS-MOTION  
FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, and all prior papers and proceedings in this action, Plaintiffs The New York Times Company, Nicholas Confessore, and Gabriel Dance (“The Times”) move the Court for an order denying the motion for summary judgment of Defendant Federal Communications Commission (“FCC”) and granting The Times’s cross-motion for summary judgment by directing the FCC to make public within 20 days, pursuant to 5 U.S.C. § 552, the API proxy server log entries for comments filed in the net neutrality proceeding. The Times further respectfully requests that the Court award The Times the costs of these proceedings, including reasonable attorney’s fees, as expressly permitted by 5 U.S.C. § 552(a)(4)(E), and grant such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that the FCC will file its reply and opposition to The Times’s cross-motion by May 2, 2019. The Times will file its reply by May 22, 2019.

Dated: New York, NY  
April 10, 2019

Respectfully submitted,

/s/ David E. McCraw

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(via ECF)